

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE KENNETH D. SULLIVAN,	:	CIVIL ACTION NO. 1:09-CV-0962
	:	
Debtor	:	(Judge Conner)
	:	
v.	:	
	:	
EDUCATIONAL CREDIT	:	
MANAGEMENT CORPORATION,	:	
	:	
Claimant	:	

ORDER

AND NOW, this 11th day of December, 2009, upon consideration of debtor Kenneth D. Sullivan's motion (Doc. 4) to join the United States Department of Education ("DOE") pursuant to Rule 19 of the Federal Rules of Civil Procedure, which was unopposed, and it appearing that the DOE is subject to service of process, see FED. R. CIV. P. 19(a) (requiring party to be subject to service), that joinder will not deprive the court of subject matter jurisdiction, see id. (stating that a party may be joined so long as doing so will not deprive the court of subject matter jurisdiction), and that in the DOE's absence, the court cannot accord complete relief among the existing parties,¹ see id. (explaining that a party must be

¹ In the instant matter, claimant Educational Credit Management Corporation ("ECMC") filed a proof of claim against debtor Kenneth Sullivan ("Sullivan") in bankruptcy court. Sullivan objected to the reasonableness of the costs that he allegedly owes, and ECMC justified some of the costs by invoking a regulatory provision of the Higher Education Act. Sullivan wishes to challenge the legality of the regulation, the defense of which is the obligation of the DOE. (See Doc. 11 at 9-11.) Thus, complete relief cannot be granted in the DOE's absence.

joined if “in that person’s absence, the court cannot accord complete relief among existing parties”), it is hereby ORDERED that:

1. The motion (Doc. 4) to join the United States Department of Education pursuant to Rule 19 is GRANTED. The United States Department of Education is hereby made a defendant in the above-captioned action. See FED. R. CIV. P. 19(a).
2. Debtor Kenneth D. Sullivan shall forthwith serve process upon the United States Department of Education pursuant to Rule 4 of the Federal Rules of Civil Procedure.
3. A pretrial and trial schedule shall issue by future order of court.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge